DRAFT



CITY OF GAITHERSBURG MINUTES OF A REGULAR CITY COUNCIL MEETING MONDAY, APRIL 9, 2007

A meeting of the Mayor and City Council was called to order at 7:30 p.m., Mayor Katz presiding. Council Members present: Alster, Edens, Marraffa and Sesma. Council Member absent: Schlichting. Staff present: City Manager Humpton, Assistant City Manager Tomasello, Planning and Code Administration Director Ossont, Director of Public Works, Parks Maintenance and Engineering Arnoult, Police Corporal Fairchild, City Attorney Borten and Executive Assistant Stokes.

I. PLEDGE OF ALLEGIANCE

The Pledge was led by Robert Drzyzgula, Gaithersburg resident.

II. <u>INVOCATION</u>

The invocation was led by the Reverend Charles Updike, First Baptist Church of Gaithersburg.

III. APPROVAL OF MINUTES

Motion was made by Council Member Sesma, seconded by Council Member Edens, that the minutes of the Mayor and Council meeting held March 19, 2007, be approved.

Vote: 4-0

IV. CONSENT ITEMS

1. Resolution of the Mayor and City Council Authorizing the City Manager to Enter Into a Contract for the Purchase and Installation of Emergency Equipment for Police Vehicles

This resolution authorized the City Manager to enter into a contract with Major Police Supply, 47 North Dell Avenue, Kenvil, New Jersey 07847, in the amount of Thirty-Two Thousand Seven Hundred Sixty-Four Dollars (\$32,764); said funds to be expended from the Operating Budget.

2. Resolution of the Mayor and City Council Authorizing the City Manager to enter into a Contract for Repair of Culverts under Victory Farm Drive

This resolution authorized the City Manager to enter into a contract with Proshot Concrete, Inc., 4158 Musgrove Drive, Florence, Alabama 35631, in the estimated amount of Fifty-Seven Thousand Eight Hundred Dollars (\$57,800); said funds to be expended from the Capital Improvements Budget.

Motion was made by Council Member Alster, seconded by, Council Member Marraffa, that Consent Agenda (Resolution No. R-27-07 and R-28-07), be approved.

Vote: 4-0

V. APPOINTMENTS

1. Resolution Confirming Appointments and Reappointments by the Mayor

This resolution confirmed the following appointments and reappointments: Art in Public Places Committee, Sigrid McCutcheon (reappointment), 142 Lake Street, two-year term; Bicycle Pedestrian Advisory Committee, Chris Danaceau (appointment), 11 Pavilion Drive, indefinite term; Community Advisory Board, Sabrina Rivers (reappointment), 405 Whitcliff Court, two-year term; Gaithersburg Senior Council, Doris Frye (appointment), 9 Midline Court, two-year term; and Technology & Innovations Committee, Robin J. Cook (reappointment), 337 Winter Walk Drive, Gaithersburg, Maryland 20878, two-year term.

Motion was made by Council Member Edens, seconded by, Council Member Alster, that a RESOLUTION OF THE CITY COUNCIL CONFIRMING APPOINTMENTS AND REAPPOINTMENTS BY THE MAYOR TO THE ART IN PUBLIC PLACES COMMITTEE, BICYCLE PEDESTRIAN ADVISORY COMMITTEE, COMMUNITY ADVISORY BOARD, GAITHERSBURG SENIOR COUNCIL, AND TECHNOLOGY & INNOVATIONS COMMITTEE (Resolution No. R-29-07) be approved.

Vote: 4-0

2. Resolution Establishing a City of Gaithersburg Ad Hoc Mayor and City Council Compensation Review Committee and Confirming Appointments Made by the Mayor

This resolution established and confirmed the following appointments for the above committee: Yale Wiesberg (chairman), 804 Amber Tree Court, Gaithersburg, Maryland 20878, Cathy Salgado, 449 Highland Ridge Avenue, Gaithersburg, Maryland 20878, Julius J. Persensky, 116 Summit Hall Road, Gaithersburg, Maryland 20877, and Burton Goldstein, 414 Chestnut Hill Street, Gaithersburg, Maryland 20878.

Motion was made by Council Member Marraffa, seconded by, Council Member Sesma, that a RESOLUTION ESTABLISHING A CITY OF GAITHERSBURG AD HOC MAYOR AND CITY COUNCIL COMPENSATION REVIEW COMMITTEE AND CONFIRMING APPOINTMENTS MADE BY THE MAYOR OF THE CITY OF GAITHERSBURG THERETO (Resolution No. R-30-07) be approved.

Vote: 4-0

VI. PRESENTATIONS

- Mayor Katz issued a proclamation designating April 3 through June 3, 2007, as "The 2007 Maryland Chiefs' Challenge Campaign" in the City of Gaithersburg. Accepting the proclamation was Police Corporal Fairchild, Gaithersburg Police Department.
- 2. Mayor Katz issued a proclamation designating April as "Municipal Government Works Month" in the City of Gaithersburg. Joining Mayor Katz at the podium were City Council Members Alster, Edens, Marraffa, and Sesma, City Manager Humpton and City Attorney Borten.

VII. PUBLIC APPEARANCES

- 1. Rosalind MacLennan, HOA liaison for the Courtyards at RIO, 9718 Athletic Way, spoke on the proposed Crown Farm development. She requested a fence be placed between the existing homes and the pending development to avoid unwanted pedestrian traffic on private property.
- 2. *Don MacLennan, 9718 Athletic Way,* stated he attended the meeting at the Washingtonian Towers where a promise to the tenants was made for a fence between the properties.

VIII. FROM THE MAYOR AND CITY COUNCIL/ANNOUNCEMENTS

Council Member Sesma

- 1. Invited the public to attend the City's annual canine celebration "Bark in the Park" on Saturday, April 21, 2007, noon to 3 p.m. at Bohrer Park, 506 South Frederick Avenue.
- 2. Attended the retirement gathering for Elaine Shire, Executive Director, The Dwelling Place and presented a proclamation from the Mayor and City Council.
- 3. Thanked City staff for coordinating and giving the public an opportunity to meet and greet with the final candidates for Police Chief.
- 4. Reminded the public to file their income taxes by May 17, 2007.

Council Member Marraffa

Wished Happy Holidays (Passover and Easter) to the public.

Council Vice President Alster

- 1. Echoed thanks to City Manager Humpton and staff for the public event to meet the candidates for the Police Chief position.
- 2. Announced vacancies on the various City Boards, Commissions, and Committees.

Mayor Katz

- 1. Noted that he will testify before the Montgomery County Board of License Commissioners at the Alcoholic Sales License Renewal Application hearing on Thursday, April 12, 2007.
- 2. Announced the following meeting schedule:
 - regular meeting on Monday, April 16, 2007.
 - two consecutive work sessions to discuss on April 23, 2007, the Mayor and City Council travel policy and an updated on the proposed East Diamond Avenue Redevelopment Project (Archstone); and on April 30, 2007, the Gaithersburg Aquatic/Recreation Center.

IX. FROM THE CITY MANAGER

Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA)

Announced that members from the agency above will visit Gaithersburg on April 14, 2007, to examine all aspects of the City's Police Department operation for their 2007 reaccreditation which include policy procedures, management operations and support services. As part of the on-site assessment, members of the community are invited to offer comments at a public information session on Tuesday, April 17 at 7 p.m. in the City Hall Council Chambers. He stated that public comment will also be accepted via telephone between the hours of 2 and 4 p.m. on Monday, April 16. The special call-in number is 301-258-6406, ext. 3221. Public comments and appearances at the session are limited to five minutes and must address the Department's ability to comply with CALEA's standards. The may also provide comments in writing to: Commission on Accreditation for Law Enforcement Agencies, Inc., 10302 Eaton Place, Suite 100, Fairfax, Virginia 22030-2215.

Meeting with Maryland Secretary of Transportation (MDOT) Porcari

He stated that he, Mayor Katz, Assistant City Manager Felton, and Planning and Code Administration Director Ossont met with John Porcari and members of his staff to discuss issues associated with the Kentlands alignment for the Corridor Cities Transitway (CCT). He stated that Secretary Porcari and his staff made it clear that they considered the two conceptual alignments going up Kentlands Boulevard (alternatives #1 and #2) not feasible because of increased travel time which would impact ridership negatively. In addition, they noted that there are other engineering issues with the proposed alignment to go up Kentlands Boulevard. They indicated that the two alignments abutting the south side Great Seneca Highway would still be considered. Mr. Humpton noted that the City did not ask the MDOT to initiate further studies of the alignment change at this time. He further stated that the MDOT would participate in the City's charrette process for the Kentlands Commercial Special Study Area scheduled for the fall of 2007 and provide the City with feedback as to the feasibility of any potential alignment change. He noted that the MDOT has announced a one year delay on completion of the final Environment Impact statement for the CCT due to concerns about unreliable ridership assumptions.

Proposed Memorial

Referred to a memorandum dated April 3, 2007 regarding a memorial in honor of those who lost their lives during our nations wars/conflicts. He stated that the City's Patriotic Observance Committee and City staff met on March 13, 2007 to review the existing City memorials and discuss options. The Mayor and City Council all concurred that it was appropriate for the City to erect a memorial at Christman Park recognizing all residents who have given the ultimate sacrifice in service to our country. Staff has asked that this initiative be announced at the Memorial Day Service on May 30, 2007 and that the committee be charged with designing an appropriate memorial to be reviewed and approved by the Mayor and City Council.

In addition, the Mayor and City Council asked that a plaque be placed at City Hall for individual's names to be listed on the plaque as a remembrance.

Retirement of Police Chief Viverette

He stated that the Police Chief will be retiring as of May 17, 2007. He announced that the City will host an open house on Monday, May 7, 2007 at 6 p.m. in the City Hall Gallery to give the community an opportunity to thank her for her efforts and wish her well. Reservations are not necessary to attend.

X. PUBLIC HEARING

Ordinance to Amend Chapter 6C of the City Code Entitled "Elections" Article III Entitled "Absentee Voting" Section 6C-14 Thereof Entitled "Who May Vote" so as to "Permit Qualified Voters to Choose to Vote by Absentee Ballot Without the Requirement That the Voter be Absent From the City on the Day of the Election

Planning and Code Administration Director Ossont stated the hearing was advertised in the *Gaithersburg Gazette* on March 19, 2007. He further stated that the proposed ordinance was recommended for public hearing by the Ad Hoc Election Participation Advisory Committee as well as the Board of Supervisors of Elections. The ordinance would permit qualified voters to obtain absentee ballots for City elections without providing a reason. He stated that under the current City law, absentee ballots are only permitted when a qualified voter is scheduled to be absent form the City on Election Day or when voter's physical disability prevents them from being present at the polls on Election Day.

Speaker from the public:

Robert Drzyzgula, 16 Walker Avenue, expressed support for the proposed ordinance.

There were no other speakers at the hearing. Staff recommended closing the record on Wednesday, May 2, 2007, 5 p.m., with anticipated final action on Monday, May 7, 2007.

Motion was made by Council Member Sesma, seconded by Council Member Edens, that the Mayor and City Council close their record Wednesday, May 2, 2007, 5 p.m., on the above matter.

Vote: 4-0

XI. ORDINANCES, RESOLUTIONS, AND REGULATIONS

1. Resolution for a Street Reconstruction Project (\$762,000)

This resolution authorized the City Manager to enter into a contract for the above service with Romano Concrete Construction, Inc., 8970 Maier Place, Laurel, Maryland 20723, in an estimated amount of Six Hundred Eighty-Seven Four Hundred Forty-Five Thousand Dollars (\$687,445); plus an encumbrance of an additional ten percent, for a total amount not to exceed Seven Hundred Sixty-Two Thousand Dollars (\$762,000); said funds to be expended from the Capital Improvements Budget. The streets proposed for reconstruction of the pavement include Odend'hal Avenue between Russell Avenue and Lost Knife Road and Russell Avenue between Odend'hal Avenue, and the first entrance into Asbury.

Motion was made by Council Member Alster, seconded by, Council Member Marraffa, that a RESOLUTION OF THE MAYOR AND CITY COUNCIL AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR A STREET RECONSTRUCTION PROJECT (Resolution No. R-31-07), be approved.

Vote: 4-0

2. Resolution Awarding a Matching Grant to Kentlands Condominiums II

This resolution authorized the City Manager to award a matching grant to Kentlands Condominiums II for landscaping, upon determining that the project was completed as proposed, in the total amount of Seven Hundred Fifty-Eight Dollars (\$758); said funds to be expended from the Capital Improvements Budget.

Motion was made by Council Member Edens, seconded by, Council Member Alster, that a RESOLUTION OF THE MAYOR AND CITY COUNCIL AWARDING A MATCHING GRANT TO KENTLANDS CONDOMINIUMS II (Resolution No. R-32-07), be approved.

Vote: 4-0

XII. <u>ADJOURNMENT</u>

There being no further business to come before this session of the City Council, the meeting was duly adjourned at 8:02 p.m.

Respectfully submitted,

Doris R. Stokes

Doris R. Stokes Executive Assistant